

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VICTOR NUNEZ GUTIERREZ,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

CASE NO. C15-1375-MJP-MAT

REPORT AND RECOMMENDATION

Proceeding *pro se*, petitioner filed a proposed habeas corpus petition pursuant to 28 U.S.C. § 2241. By letter dated August 27, 2015, petitioner was granted 30 days to either pay the filing fee or submit a completed application to proceed *in forma pauperis* (“IFP”), along with a certified copy of his prison trust account statement showing transactions for the past six months. Dkt. 2. Petitioner was advised that failure to respond to the letter by September 28, 2015, could result in dismissal of the case. *Id.*

To date, petitioner has neither paid the filing fee nor submitted a completed IFP application. Accordingly, the Court recommends that this action be DISMISSED without prejudice for failure to pay the filing fee pursuant to 28 U.S.C. § 1914. A proposed order

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REPORT AND RECOMMENDATION
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1 accompanies this Report and Recommendation.

2 DEADLINE FOR OBJECTIONS

3 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
4 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
5 and Recommendation is signed. Failure to file objections within the specified time may affect
6 your right to appeal. Objections should be noted for consideration on the District Judge's
7 motions calendar for the third Friday after they are filed. Responses to objections may be filed
8 within **fourteen (14) days** after service of objections. If no timely objections are filed, the
9 matter will be ready for consideration by the District Judge on **October 30, 2015**.

10 DATED this 7th day of October, 2015.

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12 Mary Alice Theiler
13 United States Magistrate Judge
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